



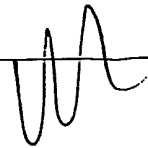
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,754	12/30/2003	Frank S. Hada	KCX-796 (19737)	2692
22827	7590	09/14/2004	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			GRAVINI, STEPHEN MICHAEL	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/748,754	Applicant(s) HADA ET AL. 	
	Examiner Stephen Gravini	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) 1-47 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-18, drawn to a subcombination apparatus, classified in class 34, subclass 114.
- II. Claims 19-30, drawn to a subcombination apparatus, classified in class 34, subclass 107.
- III. Claims 31-42, drawn to a subcombination apparatus, classified in class 34, subclass 120.
- IV. Claims 44-46, drawn to a subcombination apparatus, classified in class 34, subclass 125.
- V. Claim 47, drawn to a subcombination apparatus, classified in class 34, subclass 114.

The inventions are distinct, each from the other because of the following reasons:

Inventions of group I and groups II-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group I has separate utility such as having at least one bearing positioned between the support shaft and the support structure to permit rotation of the support structure, the bearing being located so that there is substantially no moment transfer between the cylindrical deck and the support structure. This feature is considered to patentably distinguish the

independently claimed group I invention from the other independently claimed inventions because that feature is unique and considered not to be found in the other independently claimed inventions. See MPEP § 806.05(d).

Inventions of group II and groups I & III-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group II has separate utility such as having a rotatable cylindrical deck having sufficient open space to permit air flow therethrough, the rotatable cylindrical deck comprising a plurality of individual deck plates. This feature is considered to patentably distinguish the independently claimed group II invention from the other independently claimed inventions because that feature is unique and considered not to be found in the other independently claimed inventions. See MPEP § 806.05(d).

Inventions of group III and groups I-II & IV-V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group III has separate utility such as having a support structure positioned between the cylindrical deck and the support shaft for supporting the cylindrical deck, the support structure being configured to rotate on the support shaft, the support structure comprising a first hub spaced from a second hub, each hub engaging an opposite end of the cylindrical deck, the support structure further comprising a rotating tube surrounding the support shaft, the rotating tube being connected at a first end to the first hub and at a second end to the second hub. This feature is considered to patentably

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distinguish the independently claimed group III invention from the other independently claimed inventions because that feature is unique and considered not to be found in the other independently claimed inventions. See MPEP § 806.05(d).

Inventions of group IV and groups I-III & V are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group IV has separate utility such as a feature wherein the cylindrical deck and the support structure are configured to be disassembled, the apparatus having a disassembled volume when being shipped, the disassembled volume having a maximum dimension that is less than one half the diameter of the cylindrical deck. This feature is considered to patentably distinguish the independently claimed group IV invention from the other independently claimed inventions because that feature is unique and considered not to be found in the other independently claimed inventions. See MPEP § 806.05(d).

Inventions of group V and groups I-IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention of group V has separate utility such as having a first bearing positioned between the first hub and the support shaft and a second bearing positioned between the second hub and the support shaft, each bearing being substantially in alignment with each end of the cylindrical deck. This feature is considered to patentably distinguish the independently claimed group V invention from the other independently claimed inventions because

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that feature is unique and considered not to be found in the other independently claimed inventions. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is considered proper because examining each of the independently claimed invention would represent a serious burden upon the Office.

Since the restriction is considered complex and the examiner knows from past experience that an election will not be made by telephone, this written restriction is considered proper under MPEP 812.01

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 703 308 7570. The examiner can normally be reached on normal weekday business hours (east coast time).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira S. Lazarus can be reached on 703 308 1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smg

September 13, 2004

*Stephen M. Givini*